

DRIVER LICENSE SUSPENSION, REVOCATION AND INVALIDATION

A licensed driver can lose his or her driving privileges for violating traffic regulations and other laws of this state. This article summarizes the ways in which driving privileges can be lost. **DRIVING A MOTOR VEHICLE IN THE STATE OF INDIANA IS A PRIVILEGE AND NOT A RIGHT!**

CHAPTER A

MANDATORY COURT-ORDERED SUSPENSIONS: Indiana law gives courts the authority to order the Bureau of Motor Vehicles to suspend a person's driver license when he or she is found to have committed certain traffic violations. In most of these instances a minimum suspension period is required. A driver license gives you the privilege to operate a vehicle in a legal manner; it can be taken away if you do not abide by Indiana traffic laws.

1. **License Suspension for Operating a Vehicle While Intoxicated:** A person who operates a vehicle in this state agrees to submit to a chemical test (commonly known as a Breathalyzer test) to determine the amount of alcohol in the person's bloodstream. Driving while intoxicated or with a blood-alcohol content ("BAC") in excess of the legal limit is a criminal offense and will have an immediate and significant effect on your privilege to operate a motor vehicle. A sobering fact about alcohol: It is not what you drink. It's how much. A 12-ounce can of beer, a 5-ounce glass of wine and a cocktail with 1.5 ounces of 80 proof distilled spirits all contain the same amount of alcohol.
 - a. **Refusal to Submit to Breath Test:** A person who refuses to submit to a breath test conducted by a law enforcement officer will have his or her license immediately confiscated and will face a license suspension of up to one (1) year.
 - b. **Failure of Breath Test:** If a person submits to the breath test, that person's driving privileges may be suspended for a period of up to 180 days upon receipt by the BMV of an affidavit from the law enforcement officer submitted to the court containing the results of the failed test.

c. Post-Conviction Suspensions: The suspensions discussed in subsections a. and b. above are pre-conviction license suspensions. When a person is convicted of operating a motor vehicle while intoxicated or with a BAC of 0.08% or more the court is required to suspend the driver license for at least ninety (90) days or up to two (2) years. The suspension periods are longer for repeat offenders. Even if a person is a first-time offender and the local courts defer the conviction the ninety (90) day suspension is mandatory.

- (i) The court may, if the person is not a repeat offender and is otherwise eligible, stay the execution of the post-conviction suspension and issue an order for a probationary license giving limited driving privileges. A person must be suspended for at least thirty (30) days, before the probationary driving privileges can go into effect. The court may require the installation of an ignition interlock device, which mechanically tests the driver's BAC before his or her car can be started, as a condition of the probationary license.
- (ii) If the driver license is suspended upon conviction of a major offense, in order to be reinstated, the driver must submit proof to the BMV of high-risk insurance (SR-22 filing), from an insurance agent. This filing provides that the driver has in effect an auto liability policy that cannot be cancelled without prior notice.

NOTE: Financial Responsibility (SR-22) insurance is mandatory for three (3) years after the conviction date. If the BMV receives a cancellation notice or does not have a current SR-22 on file at any time during the three (3) year period after reinstatement, the person's driving privileges will become suspended again.

- 2. Driving While Suspended:** If you are convicted of driving while suspended, the violation carries a mandatory minimum suspension of ninety (90) days and not more than two (2) years, which runs consecutively with any current suspensions.
- 3. Miscellaneous Criminal Acts in an Automobile:** In addition to the suspensions noted above, Indiana law mandates minimum license suspension periods for acts such as criminal recklessness and criminal mischief in an automobile as well as more serious offenses such as involuntary manslaughter and reckless homicide.

4. **Court-Ordered Suspensions:** In addition to license suspensions mandated under Indiana law, judges have the authority to suspend a driver for a period of up to one (1) year upon conviction for a moving offense.
5. **Suspension for Juvenile Offenses of Operating While Intoxicated:** Upon the issuance of a citation for an offense in violation of the operating- while-intoxicated laws for the State of Indiana (IC 9-30-5), the juvenile court shall recommend the suspension of the driving privilege of the child alleged to have committed the offense.

Upon the determination by juvenile court that a child is a delinquent child due to the commission of a delinquent act in violation of the operating- while-intoxicated laws for the State of Indiana (IC 9-30-5), the juvenile court shall recommend the suspension of the driving privileges of the delinquent child.

6. **Emergency Vehicle, Stationary Recovery Vehicle, and Stationary Highway Maintenance Vehicle:** Upon the immediate approach of an authorized emergency vehicle, **giving an audible signal by siren or displaying alternately flashing red, red and white, or red and blue lights, a driver must do the following unless otherwise directed by a law enforcement officer:**
 - a. Yield the right of way
 - b. Immediately drive to a position parallel to and as close as possible to the right-hand edge or curb of the highway clear of any intersection.
 - c. Stop and remain in the position until the authorized emergency vehicle has passed.

Upon approaching a stationary authorized emergency vehicle, a stationary recovery vehicle or a stationary highway maintenance vehicle, when the vehicle is giving a signal displaying alternately flashing lights, a person who drives an approaching vehicle shall:

- a. Proceed with due caution, yield the right-of-way by making a lane change into a lane not adjacent to that of the stationary vehicle, if possible, with due regard to safety and traffic conditions; if on a highway, at least four (4) lanes with no less than two (2) lanes proceeding in the same direction as the approaching vehicle; or

- b. Proceed with due caution, reduce the speed of the vehicle, maintaining a safe speed for road conditions, if changing lanes would be impossible or unsafe.

Upon receiving a record of judgement entered against a person for failure to adhere to the provisions set forth above, the bureau shall suspend the person's driving privileges for a mandatory period in accordance with the recommendation of the court that entered the judgement.

CHAPTER B

FAILURE TO APPEAR OR TO PAY FOR TRAFFIC OFFENSES: Failing to respond to the issuance of a citation by a law enforcement officer for speeding or other offenses or not paying for tickets after a judgement has been entered will lead to the suspension of your driving privileges. Upon receipt of a certification from a court that a person has not appeared or paid for a traffic offense, the BMV is required to suspend that person's driving privileges. The suspension is indefinite and ends only when the person has either appeared or paid for the offense, and provides proof of disposition to the Bureau of Motor Vehicles.

CHAPTER C

HABITUAL TRAFFIC VIOLATORS:

1. **Summary:** Indiana's Habitual Traffic Violator law provides serious penalties for persons who have committed repeat traffic offenses over a ten (10) year period. The Bureau of Motor Vehicles will use the criteria listed below to determine if a driver qualifies as a Habitual Traffic Violator.
2. **Qualifying as a Habitual Traffic Violator:** A habitual traffic violator is any person who, within a ten-year period collects convictions of the number and type outlined below:
 - a. **Two Serious Offenses Resulting in Injury or Death (Ten-Year Suspension), including:**
 - (i) reckless homicide;
 - (ii) voluntary or involuntary manslaughter resulting from the operation of a motor vehicle;
 - (iii) a driver involved in an accident that results in death or injury who fails to stop at the scene of the accident;

- (iv) operating a motor vehicle while intoxicated resulting in death; and
- (v) operating a motor vehicle with a BAC of 0.08% or more resulting in death.

b. Three Major Offenses (Ten-Year suspension), Including:

- (i) driving while intoxicated or with a BAC of 0.08% or more;
- (ii) driving while suspended, when the suspension was the result of a criminal act involving a motor vehicle;
- (iii) operating a motor vehicle without ever having obtained a license to do so;
- (iv) reckless driving;
- (v) criminal recklessness involving a motor vehicle;
- (vi) drag racing or engaging in a speed contest;
- (vii) leaving the scene of an accident or failing to make an accident report;
- (viii) any felony under the Indiana motor vehicle statutes or any felony in the commission of which a motor vehicle is used; and
- (ix) any of the offenses listed above in subsection a.

c. Ten Moving Violations, one (1) of which is a Serious or Major Offense listed in subsection a. or b.: The Bureau of Motor Vehicles will suspend a person's driver license for five (5) years if that person accumulates ten (10) moving violations in a ten-year period, one of which is a serious offense listed in subsection a., or a major violation listed in subsection b. For example, a person with nine (9) speeding tickets and one reckless driving conviction in a ten-year period will be subject to a (5) year suspension as a habitual traffic violator.

3. Operating a Vehicle while Suspended as a Habitual Traffic Violator:

Operating a vehicle while suspended as a habitual traffic violator is a **FELONY**, the most serious type of criminal offense. Indiana law requires that, upon receiving a conviction for operating a vehicle while suspended as a habitual traffic violator, the BMV must suspend the person's driving privileges for life or as ordered by the court.

FAILURE TO MEET AUTOMOBILE LIABILITY INSURANCE REQUIREMENTS:

Driving without an automobile liability insurance policy in effect on the vehicle you are operating is against the law. Thousands of Indiana residents suffer injuries or damages yearly caused by persons without insurance coverage on their vehicles. All of us pay more for insurance to cover the risk of being injured or suffering damage caused by an uninsured motorist. To attempt to deter uninsured motorists, Indiana law provides the following sanctions for operating a vehicle without insurance.

1. A person who is found to have operated a vehicle without an automobile liability insurance policy in effect is subject to a ninety (90) day driver license suspension or a one (1) year suspension if it is a repeat violation in a three (3) year period. In order to obtain a reinstatement of the license, the person must pay a reinstatement fee of \$150, \$225, or \$300 depending on whether it is a first, second, third or subsequent offense, and prove that an automobile liability policy has been purchased and is in effect.
2. **When Proof of Insurance Coverage Must be Provided:** Operating a vehicle without insurance coverage is a Class A infraction. In addition, a person appearing in court on a traffic violation may be requested to prove he or she had insurance coverage on the date of the offense. This occurs in two types of instances:
 - a. **After an Accident:** All accident information sent to the State Police is sent to the Bureau of Motor Vehicles. If the insurance information is not provided by the insurance company to state police, a request for proof of financial responsibility (i.e. automobile liability insurance) in the form of a “certificate of compliance” will be sent to the person’s address as shown on his or her official driving record. The person then must arrange for his or her insurance company agent to fill in the information on the certificate and return the certificate to the Bureau of Motor Vehicles within forty (40) days. Failure to return the certificate will result in the license suspension described in Section 1.

- b. **After Certain Moving Violations:** When the Bureau of Motor Vehicles receives a report from a court of a judgment or conviction for any moving violation for which points are assessed by the Bureau of Motor Vehicles a certificate of compliance form is sent to the driver at the address shown on his or her official driving record in the following instances:
- (i) When the Bureau of Motor Vehicles receives notification of a moving traffic violation and points are assessed, and the driver has at least two (2) other moving traffic violations on which points were assessed within a twelve-month period;
 - (ii) When the moving violation is a felony or a misdemeanor; or
 - (iii) When the driver has been previously suspended for failure to carry insurance. The driver has the same forty (40) day period to have the information completed and sent back to the Bureau of Motor Vehicles to avoid suspension described in Section 1.

3. **VERY IMPORTANT:** Keep Your Address Current with the Bureau of Motor Vehicles: The Bureau of Motor Vehicles sends requests for proof of insurance to thousands of drivers each year. **You are required by law to notify the Bureau of Motor Vehicles if you move and change your address.** More importantly, it just makes good sense so that any official notice sent by the Bureau of Motor Vehicles reaches you. You can avoid needless license suspensions. You may inform the BMV of a change in your mailing address in writing and forward that information to:

Bureau of Motor Vehicles
Driver Services Division
Room 405, Indiana Government Center North
100 North Senate Avenue
Indianapolis, Indiana 46201,

or you may apply for an amendment to your driver license to update your address.

CHAPTER E

LICENSE INVALIDATION FOR DROPPING OUT OF SCHOOL OR FOR RECEIVING A SUSPENSION OR EXPULSION FROM SCHOOL: Indiana law requires school principals to notify the Bureau of Motor Vehicles to invalidate the driver license of a person less than eighteen (18) years of age who:

- (1) is under an expulsion, exclusion or second suspension from school;
- (2) has withdrawn from school (unless due to financial hardship); or
- (3) has been determined to be a habitual truant.

The license shall remain invalid for expulsions, exclusions and suspensions for at least 120 days, or, in the event of a habitual truancy or withdrawal from school, until the individual turns eighteen (18) or the student has re-enrolled in school and is in good standing.

CHAPTER F

ACCUMULATION OF TRAFFIC OFFENSES (EXCESSIVE “POINTS” ON THE DRIVING RECORD):

1. **The Bureau of Motor Vehicles Driver Improvement Program:** The Bureau of Motor Vehicles administers a driver improvement program that identifies individuals who accumulate a number of moving violations in a short period of time. The Bureau of Motor Vehicles has rules to assess a point value for each conviction of a moving violation under Indiana law. The point value relates to the seriousness of the offense in posing a risk to traffic safety. Point values for offenses range from two (2) to eight (8) points depending on the violation. For example, a speeding offense less than 15 miles an hour over the posted limit is a two (2) point violation, while a conviction for operating while intoxicated is an eight (8) point violation. Points stay active on your driving record, for two (2) years from the conviction date of the citation.
2. **The Administrative Hearing:** Drivers who collect seventeen (17) or more active points during a two (2) year period will be notified and required to attend an administrative hearing. At the hearing, the presiding officer will make a determination whether to place the driver on probation; suspend the person's driving privileges for a period of not less than thirty (30) days up to the maximum one (1) year; or impose additional requirements beyond the order of probation or suspension such as requiring attendance at a driving improvement program.
3. **Failure to Appear for Administrative Hearing:** If you fail to appear for the administrative hearing at the time and place designated, the hearing will be held in your absence, and a recommendation will be made by the administrative hearing officer.

CHAPTER G

FAILURE TO ATTEND A MANDATORY DRIVER AWARENESS COURSE:

The driving privileges of a person who is ordered by a court to attend a Bureau of Motor Vehicle's approved driver awareness course or who is required, to attend the course because of committing, within a 12-month period, two (2) or more traffic offenses which result in convictions, will be suspended if the individual does not complete the class in the time required by the Bureau of Motor Vehicles. Failure to complete the course or pay the course fee will result in invalidation of the person's driver license.

Notification of the driver awareness course requirement is made through the mail. If you move, you must notify the Bureau of Motor Vehicles so that a notification can reach you and to avoid license invalidation or suspension.

CHAPTER H

WRITING A BAD CHECK TO THE BUREAU OF MOTOR VEHICLES: As provided for in Indiana law, the Bureau of Motor Vehicles will suspend indefinitely the driver license of a person who writes a check to pay the fee for a driver license transaction that is not honored by the issuer's bank. To obtain reinstatement of the license the person will have to pay the amount of the check plus a \$20 administrative fee and a 5% check deception charge.

CHAPTER I

LICENSE SUSPENSION FOR OPERATING A WATERCRAFT WHILE INTOXICATED OR OTHER WATERCRAFT OFFENSES: Operating a watercraft while intoxicated is no less dangerous and illegal than operating a motor vehicle while intoxicated. Upon a conviction for operating a watercraft while intoxicated, a person's driver license will be suspended for the same minimum and maximum periods that are provided for operating a vehicle while intoxicated. This conviction will be forwarded to the Bureau of Motor Vehicles for the suspension to go into effect and the conviction will become a part of the person's driving record. Other crimes related to the operation of a watercraft, such as reckless operation endangering the safety of others and operating a watercraft when a person's driving privileges have been suspended, will also be forwarded to the Bureau of Motor Vehicles.

CHAPTER J

LICENSE SUSPENSION FOR FAILURE TO PAY CHILD SUPPORT: Non-custodial parents, unwilling to make required child support payments, may now be subject to suspension of their driver license. A non-paying parent's license can be suspended in two ways:

1. **Court-Ordered Suspension:** A court that has determined that a parent is intentionally withholding child support payments may order the Bureau of Motor Vehicles to immediately suspend the non-paying parent's driver license indefinitely until the parent begins making payments satisfactory to the court.
2. **Administratively-Ordered Suspension:** If the local agency responsible for the administration of enforcing child support payments determines that a parent is more than three (3) months or two thousand dollars (2,000) behind in child support that agency may send an order to the Bureau of Motor Vehicles requiring that the non-paying parent's driver license be suspended indefinitely in twenty (20) days unless, in that twenty-day period, the parent pays the unpaid amounts, arranges to have an amount automatically withheld from his or her paycheck, or contests whether he or she is in fact delinquent in child support payments.

CHAPTER K

LICENSE SUSPENSION FOR GRAFFITI: Effective July 1, 1996, the driving privileges of a person convicted of the act of making graffiti may be suspended, at the discretion of the court, for a period of up to one (1) year.

CHAPTER L

NOTE: The Bureau of Motor Vehicles (BMV) may suspend or invalidate driver license and/or permits, registration certificates or license plates upon any reasonable grounds that comes to the attention of the BMV.